



**Town of Wilton, NH  
Zoning Board of Adjustment  
MINUTES**

**Tuesday, May 14, 2024  
7 PM  
Town Hall Courtroom  
42 Main Street**

**ATTENDANCE**

**Board Members Present:** Neil Faiman (chairperson); Joanna Eckstrom (co-chairperson; remote); Andy Hoar; Jeff Stone (remote); Peg Duggan (alternate); Linda Jennings (alternate)

**Board Members Absent:** Judith Klinghoffer

**Board Secretary:** Caryn Case

**Attendees:** Thomas Ryan; Mark Haman (applicant); Lee Muir-Haman (applicant); Doug Seppala; Andrew Luongo; Peter Petroules (applicant); Caroline Petroules (applicant); Savanna Levasseur; Tristan Haman; Jason C Bolduc (Meridian Land Services)

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8. Minutes (continued)
  - a. 04.30.2024
9. Adjournment

**MINUTES**

38 **1. Call to Order**

39 Chairman Faiman called the meeting to order at 7:08 p.m.

40  
41 Chairman Faiman read the Zoning Board of Adjustment Statement on Masking.

42  
43 Chairman Faiman read the Zoning Board of Adjustment Statement on Decisions, Participation, and Rules of  
44 Conduct.

45  
46 Chairman Faiman introduced the Board members by roll call vote and declared a quorum was present. He  
47 announced that two (2) Board members were participating remotely due to concerns that made it  
48 impractical for them to participate in-person, and as such, voting would be conducted by roll call.

49  
50 Chairman Faiman announced that no new case would commence review after 9:30 p.m., and the Board  
51 would terminate the meeting at ten (10) p.m. unless the Board unanimously votes to continue the meeting.

52  
53 **2. Minutes**

54 **May 04, 2024**

55 The Board reviewed the site visit minutes of May 4, 2024.

56 An edit was identified in line 57.

57  
58 **J Stone MOVED to accept the May 4, 2024, minutes with the edit identified on line 57.**

59 **P Duggan SECONDED.**

60 **Discussion:** None

61 **Roll Call Vote:** J Stone aye  
62 A Hoar aye  
63 JK Eckstrom abstain  
64 P Duggan aye  
65 L Jennings aye  
66 N Faiman aye

67 **Motion:** Carried 5/0/1  
68

69 **3. Election of Officers, 2024 - 2025**

70  
71 **JK Eckstrom MOVED to nominate N Faiman to the position of Zoning Board Chairperson for**  
72 **the year 2024 through 2025.**

73 **A Hoar SECONDED.**

74 **Discussion:** None

75 **Roll Call Vote:** J Stone aye  
76 A Hoar aye  
77 JK Eckstrom aye  
78 P Duggan aye

79 L Jennings aye  
80 N Faiman abstain  
81 **Motion:** Carried 5/0/1

82  
83 **N Faiman MOVED to nominate JK Eckstrom to the position of Zoning Board Vice-Chairperson**  
84 **for the year 2024 through 2025.**

85 **A Hoar SECONDED.**

86 **Discussion:** None

87 **Roll Call Vote:** J Stone aye  
88 A Hoar aye  
89 JK Eckstrom abstain  
90 P Duggan aye  
91 L Jennings aye  
92 N Faiman aye  
93 **Motion:** Carried 5/0/1

94  
95 **4. The Clinton & Heidi Wilder Revocable Trust of 2022, Wilson Road**

96 Public Hearing, *continued from a previous meeting*

97 **Case #04/09/2024-01**

98 The Clinton & Wilder Revocable Trust of 2022 has requested a special exception under section  
99 11.4(a) of the Wilton Zoning Ordinance to allow a driveway to cross a wetland area to access a  
100 buildable area at the rear of the property on Lot D-133-2, Wilson Road.

101  
102 Chairman Faiman opened the hearing by reading the applicant's request for a special exception.  
103 Chairman identified the voting Board: Jeff Stone, Andy Hoar, Peg Duggan, Linda Jennings, and Neil Faiman.  
104 Jason Bolduc, representing Clinton & Heidi Wilder (the applicants), advised the Board that the Wetlands  
105 Permit-By-Notification and Non-Site-Specific Permit 2024-00737 had been issued subject to project-specific  
106 conditions outlined in the approval letter dated March 29, 2024, and submitted to the Board at the  
107 meeting. (see Exhibit)

108  
109 Chairman Faiman summarized the facts of the applicant's request based on testimony, plans submitted by  
110 the applicant's engineer, and the site visit on May 4, 2024. He stated (1) the lot has an area of about two (2)  
111 acres, (2) the north side of the lot fronts on Wilson Road for approximately 290 feet, (3) the lot is bisected  
112 from east to west by a wetlands area, (4) there is a gap between the western edge of the wetlands area and  
113 the western edge of the lot which is about 20 feet at its narrowest point, (5) the lot has an unusable  
114 building envelope as determined by lot line and wetlands setbacks, and (6) the applicant proposes to cross  
115 the wetlands at its narrowest point with a total disturbance of approximately 595 square feet.

116  
117 **P Duggan MOVED to close the public hearing for the Board to deliberate.**

118 **L Jennings SECONDED.**

119 **Discussion:** None

120           **Roll Call Vote:**    J Stone        aye  
121                            A Hoar        aye  
122                            P Duggan     aye  
123                            L Jennings   aye  
124                            N Faiman     aye  
125           **Motion:** Carried                    5/0/0

126  
127    Andy Hoar remarked that the wetlands crossing will have the least amount of impact to the wetlands in the  
128    location proposed.

129  
130    Peg Duggan helped promote the understanding that the driveway had been re-located to, as well, fulfill  
131    driveway requirements.

132  
133           **P Duggan MOVED to grant the request for a special exception under section 11.4.(a) of the**  
134           **Wilton Zoning Ordinance to allow the driveway to cross the wetland area to access a**  
135           **buildable area, south of the wetlands, at the rear of the lot.**  
136           **J Stone SECONDED.**

137  
138           **A Hoar MOVED to re-open the public hearing.**  
139           **J Stone SECONDED.**

140           **Discussion:** None

141           **Roll Call Vote:**    J Stone        aye  
142                            A Hoar        aye  
143                            P Duggan     aye  
144                            L Jennings   aye  
145                            N Faiman     aye  
146           **Motion:** Carried                    5/0/0

147  
148    Chairman Faiman opened the discussion to attendees for any additional review and comment. There was  
149    none. In review, he noted (1) it was more practical to build behind the wetlands than to build in front of  
150    them, (2) it was more practical to pass through the wetlands than to create a pass to the west which would  
151    have a significant impact on the neighboring lot, and (3) it made sense to cross the wetlands at its  
152    narrowest point.

153  
154    Chairman Faiman called for a vote on the MOTION.

155  
156           **Roll Call Vote:**    J Stone        aye  
157                            A Hoar        aye  
158                            P Duggan     aye  
159                            L Jennings   aye  
160                            N Faiman     aye

161 **Motion:** Carried 5/0/0

162

163 Chairman Faiman added a condition to the approval to cite that the driveway is to be located as shown on  
164 the plan labeled "Proposed Wetland Crossing / Map D, Lot 133-02 / Prepared for Cattedog Construction &  
165 excavation, LLC / Wilton, NH" and dated March 4, 2024.

166

167 Chairman Faiman stated that the decision would expire if the construction or use permitted by it has not  
168 begun by Thursday, May 14, 2026. (Wilton Zoning Ordinance section 17.4) He added that the Select Board,  
169 any party to the action or proceedings, or any person directly affected by the decision may apply for a  
170 rehearing of the decision. He noted that a request for a rehearing must be filed in writing with the Zoning  
171 Board of Adjustment on or before Thursday, June 13, 2024, and must fully specify all grounds on which the  
172 rehearing is requested. (N.H. RSA 677:2)

173

174 **5. Minutes**

175 **May 04, 2024 (re-reviewed)**

176 Additional edits were identified on lines 14, 39, and 49.

177

178 **P Duggan MOVED to accept the May 4, 2024, minutes with the additional edits noted on lines**  
179 **14, 39, and 49.**

180 **L Jennings SECONDED.**

181 **Discussion:** None

182 **Roll Call Vote:** J Stone aye  
183 A Hoar aye  
184 JK Eckstrom abstain  
185 P Duggan aye  
186 L Jennings aye  
187 N Faiman aye

188 **Motion:** Carried 5/0/1

189

190 **6. Caroline Petroules, 23 Russell Street**

191 Public Hearing, **NEW**

192 Case #05/14/2024-01

193 Caroline Petroules has requested a variance to section 5.2.3 of the Wilton Zoning Ordinance to  
194 allow the installation of an above-ground swimming pool that would be closer to a lot line than  
195 allowed by the Ordinance on Lot K-96-1, 23 Russell Street.

196

197 Chairman Faiman opened the hearing by reading the applicant's request for a special exception.

198 Jeff Stone stepped down from this case.

199

200 Chairman identified the voting Board: Andy Hoar, Joanna Eckstrom, Peg Duggan, Linda Jennings, and Neil  
201 Faiman.

202 Caroline Petroules described her dream to put up an above ground swimming pool, adding that pools  
203 typically drive-up property values. She said there was not enough area to do this without encroaching into  
204 the setback by 3.5 feet. She cited a bulkhead on the house did not permit a location that would reduce that  
205 any further.

206

207 Linda Jennings qualified that the pool would be de-constructed in the off season.

208

209 Neil Faiman recalled the dwelling unit required a similar variance for its construction years ago.

210

211 **P Duggan MOVED to close the public hearing for the Board to deliberate.**

212 **L Jennings SECONDED.**

213 **Discussion:** None

214 **Roll Call Vote:** A Hoar aye

215 JK Eckstrom aye

216 P Duggan aye

217 L Jennings aye

218 N Faiman aye

219 **Motion:** Carried 5/0/0

220

221 **JK Eckstrom MOVED to re-open the public hearing to ask the applicant if a fence was required.**

222 **J Stone SECONDED.**

223 **Discussion:** None

224 **Roll Call Vote:** A Hoar aye

225 JK Eckstrom aye

226 P Duggan aye

227 L Jennings aye

228 N Faiman aye

229 **Motion:** Carried 5/0/0

230

231 Peter Petroules said the pool stands 52" high and that a fence was not required, and they had no intent to  
232 add a deck. He said access into the pool was by a removable and foldable ladder.

233

234 **P Duggan MOVED to close the public hearing for the Board to deliberate.**

235 **A Hoar SECONDED.**

236 **Discussion:** None

237 **Roll Call Vote:** A Hoar aye

238 JK Eckstrom aye

239 P Duggan aye

240 L Jennings aye

241 N Faiman aye

242 **Motion:** Carried 5/0/0

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Chairman Faiman summarized the facts of the applicant’s request based on testimony, the site plan, and his personal familiarity with the property. He stated (1) the lot area is 7,739 square feet and is located at the southeast corner of Maple Street and Russell Street with approximately 106 feet and 62 feet of frontage respectively, (2) the house is located near the southerly lot line, a wooded buffer is located to the east, and the driveway and lawn are located to the north, and (3) the nine (9) foot by 18 foot temporary swimming pool is proposed to be located in the lawn area to the north, 31 feet from Maple Street, accessed by a removable and foldable ladder, does not require a fence, and would not be surrounded by a deck. He indicated that despite the pre-existing, non-conforming lot being substantially undersized, the placement of the proposed pool still leaves a considerable amount of green space and does not create a sense of congestion or visibility issues at the corner. The impingement on the setback does not adversely affect the abutters, the character of the neighborhood, or the public health, safety, or welfare. He said a pool is not inconsistent with the character of the neighborhood, and that strict enforcement of the Zoning Ordinance would impose an inconvenience on the applicant with no corresponding benefit to the public.

**A Hoar MOVED to grant the request for a variance to section 5.2.3 of the Wilton Zoning Ordinance to allow the installation of an above-ground swimming pool that would be closer to a lot line than allowed.**

**L Jennings SECONDED.**

**L Jennings MOVED to re-open the public hearing.**

**P Duggan SECONDED.**

**Discussion:** None

<b>Roll Call Vote:</b>	A Hoar	aye
	JK Eckstrom	aye
	P Duggan	aye
	L Jennings	aye
	N Faiman	aye

**Motion:** Carried 5/0/0

Chairman Faiman opened the discussion to attendees for any additional review and comment. There was none.

Chairman Faiman called for a vote on the MOTION.

<b>Roll Call Vote:</b>	A Hoar	aye
	JK Eckstrom	aye
	P Duggan	aye
	L Jennings	aye
	N Faiman	aye

**Motion:** Carried 5/0/0

284 Chairman Faiman said the decision would expire if the construction or use permitted by it has not begun by  
285 Thursday, May 14, 2026. (Wilton Zoning Ordinance section 17.4) He added that the Select Board, any party  
286 to the action or proceedings, or any person directly affected by the decision may apply for a rehearing of  
287 the decision. He noted that a request for a rehearing must be filed in writing with the Zoning Board of  
288 Adjustment on or before Thursday, June 13, 2024, and must fully specify all grounds on which the rehearing  
289 is requested. (N.H. RSA 677:2) He stated that in the absence of such a request, after 30 days the decision  
290 would be final and there would be no risk to the applicant's proposed use.

291  
292 Jeff Stone returned to the public hearing.

293

294 7. Mark Haman & Lee Muir-Haman, 369 Gibbons Highway

295 Public Hearing, **NEW**

296 Case 5/14/2024-02

297 Mark Haman and Lee Muir-Haman have requested variances to sections 8.1 and 8.5 of the Wilton  
298 Zoning Ordinance to allow the construction of a single-family dwelling on Lot F-024, 369 Gibbons  
299 Highway, where residential uses are not permitted in the Industrial District.

300

301 Chairman Faiman opened the hearing by reading the applicant's request for a special exception.

302 Chairman identified the voting Board: Jeff Stone, Andy Hoar, Joanna Eckstrom, Linda Jennings, and Neil  
303 Faiman.

304

305 Mark Haman identified himself, and his wife, Lee Muir-Haman, as the property owners and read a prepared  
306 statement, submitted with the application, to describe his family's intent. He added that the previous  
307 property owner, Richard L Sharkey, had requested similar variances that were approved, implying his  
308 request was not unreasonable.

309

310 Andy Hoar stated there was not enough information submitted with the application to understand the  
311 request and several other Board members agreed.

312

313 Neil Faiman said it was not initially clear what the request was for. He eventually reasoned the request was  
314 for a change of use on lot F-024 and not about F-023 being land locked.<sup>i</sup>

315

316 Tristan Haman confirmed that Neil Faiman was correct. He said he lives in the old farmhouse on lot F-023  
317 which he accesses from a driveway on lot F-024. He said lot F-024 has about 700 feet of frontage on  
318 Gibbons Highway.

319

320 Andy Hoar asked for a site plan showing the driveway and other structures proposed for the lot to evaluate  
321 how the general provisions, associated with industry typical to the Industrial District, might be affected  
322 should the property ever be sold.

323



324 Savanna Levesseur pointed out that all their neighboring properties are zoned Industrial but in residential  
325 use. She added that these neighbors are in favor of the proposal.

326

327 Chairman Faiman got a sense that the Board was uncomfortable continuing the discussion without  
328 additional information which could be obtained from a site plan and site visit.

329

330 **A Hoar MOVED to schedule a site visit for Saturday, June 8, 2024, at 9 a.m., and to continue**  
331 **the public hearing to June 11, 2024.**

332

**L Jennings SECONDED.**

333

**Discussion:** None

334

**Roll Call Vote:** J Stone aye

335

A Hoar aye

336

JK Eckstrom aye

337

L Jennings aye

338

N Faiman aye

339

**Motion:** Carried 5/0/0

340

## 341 **8. Minutes**

342

### **April 30, 2024**

343

The Board reviewed the site visit minutes of April 30, 2024.

344

Edits were identified on lines 10, 17, 40, 124,219,239, 319,234, and line 334.

345

346 **L Jennings MOVED to accept the April 30, 2024, minutes with the edits identified on lines 10,**  
347 **17, 40, 124,219,239, 319,234, and line 334.**

348

**P Duggan SECONDED.**

349

**Discussion:** None

350

**Roll Call Vote:** J Stone aye

351

A Hoar aye

352

JK Eckstrom aye

353

P Duggan aye

354

L Jennings aye

355

N Faiman aye

356

**Motion:** Carried 6/0/0

357

## 358 **9. Adjournment**

359

**J Stone MOVED to adjourn at 9:13 p.m.**

360

**P Duggan SECONDED.**

361

**Discussion:** None

362

**Roll Call Vote:** J Stone aye

363

A Hoar aye

364

365		JK Eckstrom	aye
366		P Duggan	aye
367		L Jennings	aye
368		N Faiman	aye
369	<b>Motion:</b>	Carried	6/0/0

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372 **APPROVED: 06.11.2024**  
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<sup>i</sup> The June 11, 2024 minutes will correct the content of this paragraph.